

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated November 30, 2004. Claims 1-23 are currently pending in the application. Claims 1, 2, 5, 8-9, 13, 17-19 and 23 has been amended. It is gratefully acknowledged that the Examiner indicated that Claims 2, 4, 6-7 and 11-12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The drawings were objected to under 37 CFR 1.83(a), as not showing every feature of the invention specified in the claims.

Claims 5, 8, 9, 13 and 17-18 have been amended to more particularly point out and distinctly claim the invention of the subject application. It is believed this amendment overcomes the Examiner's objection.

The Examiner objected to the specification due to an incorrect reference numeral.

The specification has been amended at page 8, line 7 to read "the electrical box 54". It is believed this amendment overcomes the Examiner's objection.

The specification was objected to "as failing to provide proper antecedent basis for the claimed subject matter". More specifically, the Examiner asserted "[c]laims 5, 8, 13, 17-18 are not adequately supported by the specification".

Additionally, the Examiner rejected claims 5, 8-10 and 13-22 under 35 USC

112, first paragraph. The Examiner asserted “[t]he specification doesn’t reasonably disclose the claimed subject matter of claims 5, 8, 13 and 17-18, and therefore the subject matter of claims 5, 8, 13 and 17-18 is not supported by the disclosure of the invention”.

Claims 5, 8, 13 and 17-18 have been amended to more particularly point out and distinctly claim the invention of the subject application. Applicant respectfully submits that the amended claims are fully supported by the specification and the objection to the specification and rejection under 35 USC 112, first paragraph, should be withdrawn. Therefore, it is respectfully submitted claims 5, 8-10 and 13-22 are in condition for allowance.

Claims 1, 3 and 23 were rejected under 35 USC 102(b) as being anticipated by Wheeler et al. (U.S. Patent No. 5,361,509) for the reasons set forth on pages 4 and 5 of the Office Action.

Wheeler et al. is directed to a tool for holding electrical boxes in position for attachment to upright studs. As shown in FIGs. 1 and 3a-3c, the tool of Wheeler et al. employs a box clamp assembly 102 to hold an electrical box in place. The box clamp assembly 102 includes an active clamp jaw 50 and a passive clamp jaw 88 for gripping the outside of the electrical box and further includes a box clamping trigger 60 to secure the electrical box in place on the tool. A user must initially place the electrical box between the clamps 50, 88 and then apply force to an end of the electrical box closest to the trigger to cause the trigger 60 to snap in place.

Amended claim 1 is directed to a tool for installing an electrical box including,

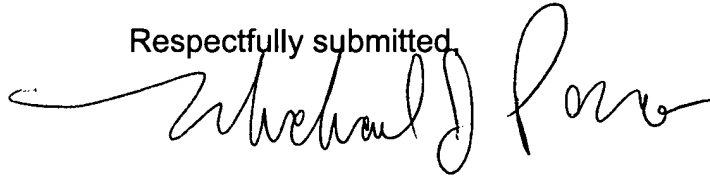
inter alia, “a holding assembly configured to hold an electrical box to be mounted on a framing member, the holding assembly including a holding member configured to contact an inner side wall of the electrical box”. The tool of amended claim 1 simplifies the process of installing an electrical box by providing “a holding member configured to contact an inner side wall of the electrical box” which allows for easy insertion into the electrical box during installation and for easy withdrawal of the tool once the electrical box is mounted. In contrast, the tool of Wheeler et al. includes the complicated mechanism of the active clamp 50, the passive clamp 88 and box clamping trigger 60 and requires multiple steps just to mount the electrical box to the tool. Therefore, it is respectfully submitted that Claim 1, along with dependent claim 3, are patentably distinct over Wheeler et al., and are believed to be in condition for allowance.

Similarly, amended Claim 23 is directed to a method for installing an electrical box including the step of, inter alia, “providing a tool comprising: a holding assembly configured to hold an electrical box to be mounted on a framing member, the holding assembly including a holding member configured to contact an inner side wall of the electrical box”. For at least the same reasons as described above in relation to amended Claim 1, it is respectfully submitted that amended Claim 23, is patentably distinct over Wheeler et al., and is believed to be in condition for allowance.

In view of the preceding amendment and remarks, it is respectfully submitted that all pending claims, namely claims 1-23, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate

resolution of any remaining matters, the Examiner is respectfully invited to contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Porco", written over the typed name.

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